

# Exhibit “B”

Cinergy Services, Inc.  
139 East Fourth Street  
Rm 25 AT II  
P.O. Box 960  
Cincinnati, OH 45201-0960  
Tel 513.287.2062  
Fax 513.287.3810

JILL T. O'SHEA  
Associate General Counsel

Via Facsimile and Ordinary Mail

March 31, 2003

**CINERGY**  
SERVICES

David Sanford, Esq.  
Gordon, Silberman, Wiggins & Childs  
7 Dupont Circle N.W.  
Washington D.C. 20007

Paul H. Tobias, Esq.  
David D. Kammer, Esq.  
TOBIAS, KRAUS & TORCHIA, LLP.  
414 Walnut Street  
Suite 911  
Cincinnati, Ohio 45202

RE: Bill Brantley, Todd Tolbert, Rodney Jones and Anthony Martin v. Cinergy Corp.  
Case No. C-1-01-378

Dear Counsel:

I am writing to acknowledge receipt of the following pleadings on this date in the above-captioned matter:

1. Plaintiff Todd Tolbert's Objections and Responses to Defendant Cinergy Corp.'s Second Set of Request for Production of Documents
2. Plaintiff Anthony Martin's Response to Defendant Cinergy Corp.'s Second Set of Interrogatories and Request for Production of Documents
3. Plaintiff Rodney Jones' Objections and Responses to Defendant Cinergy Corp.'s Second Set of Request for Production of Documents
4. Plaintiff Billy Brantley's Response to Defendant Cinergy Corp.'s Second Set of Interrogatories and Request for Production of Documents

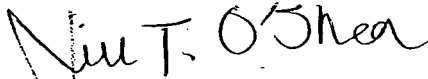
However, you wholly failed to respond to our formal request for supplementation of your clients' responses to Defendant, Cinergy Corp.'s, First Set of Interrogatories and Request for Production of Documents to each named plaintiff as outlined in our January 31, 2003 correspondence (courtesy copy attached hereto for your review). Accordingly, we are writing to request that you supplement your responses in the next two weeks on or before

April 14, 2003 or it will be necessary for us to schedule a conference call or appearance with the court.

In addition, it is the position of the defendant that Plaintiff, Tolbert's, wife therapy records are both relevant and reasonably calculated to lead to the discovery of admissible evidence. Your client testified at deposition that his work experience "caused a big stress level at home" and that he was short-tempered, very argumentative and wasn't a pleasant person to be around. He expressly testified "My wife started going to a psychiatrist to help her deal with me" and that he is claiming those expenses in this lawsuit. (Tolbert depo, Vol. II, pp. 399-400). Accordingly, we are enclosing a medical authorization form to Cyna Khalily, M.D. related to your client's wife's treatment with same. Again, we will need to pursue this discovery dispute with Judge Dlott if we do not receive same on or before April 14, 2003.

We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink that reads "Jill T. O'Shea". The signature is written in a cursive, flowing style.

Jill T. O'Shea  
Associate General Counsel

JTO:mlh

Cc: Law Offices of Grant E. Morris, Esq.

**MEDICAL AUTHORIZATION TO PHYSICIAN**

Dated: March 31, 2003

Physician Name: Cyna Khalily, M.D.

Physician Address: 8686 Winton Road  
Cincinnati, OH 45231

This form or a copy thereof will be your continuing authorization, unless and until revoked by me, in writing, to permit Jill T. O'Shea and/or the Legal Department of Cinergy Corp., 139 East Fourth Street, 25 AT II, P. O. Box 960, Cincinnati, Ohio, 45201, to copy, inspect and examine any and all records, notes, charts, reports, x-rays and x-ray reports that you may have in your possession.

Included in this release may be information pertaining to the history of, or any treatment I may have received pertaining to HIV testing or treatment of AIDS, AIDS-related conditions, drug abuse, alcohol abuse, and/or psychiatric/psychological disorders.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Patient: Anita Tolbert

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date of Birth

Cinergy Corp.  
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Rm 25 AT II  
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Tel 513.287.2062  
Fax 513.287.3810

JILL T. O'SHEA  
Senior Counsel

VIA FACSIMILE AND ORDINARY MAIL

January 31, 2003

Paul H. Tobias, Esq.  
David D. Kammer, Esq.  
TOBIAS, KRAUS & TORCHIA, LLP.  
414 Walnut Street  
Suite 911  
Cincinnati, Ohio 45202

**CINERGY®**

RE: Bill Brantley, Todd Tolbert, Rodney Jones and Anthony Martin v. Cinergy Corp.  
Case No. C-1-01-378

Dear Paul:

We are interested in supplementation of your client's discovery response. We are also interested in updating the complete medical and employment records of your clients through the use of executed authorization forms. It is my practice to provide opposing counsel with copies of all of the records obtained.

**PLAINTIFF, BILLY BRANTLEY**

With respect to plaintiff, Bill Brantley, we are interested in the following supplementation:

Interrogatory No. 1. State the name and present or last known address and telephone number of each person whom you will or expect to call as an expert witness during the trial of this matter, and provide a summary of the opinions to be rendered by each such expert witness. Also, list the qualifications of each expert witness or, alternatively, attach a copy of a curriculum vitae of each such witness.

Please supplement your response.

Interrogatory No. 2. State the name and present or last known address and telephone number of each person whom you will or expect to call as a non-expert witness during the trial of this matter, and provide a summary of the testimony expected from each.

Please supplement your response.

Interrogatory No.4. State whether or not written statements were made by you of any other witnesses concerning the incident or incidents which are the subject of your Complaint.

Paul H. Tobias, Esq.

David D. Kammer, Esq.

January 31, 2003

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Please supplement your response.

Request for Production No. 1 Please produce any and all statements from the Defendant, Cinergy Corp, its subsidiaries including, but not limited to, The Cincinnati Gas & Electric Company, and/or any of their past or present agents, officers, employees, or representatives in your possession, custody or control, or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

Request for Production No. 4. Please produce any and all graphs, charts, videocassette tapes, newspaper articles and/or any and all other documentary evidence which you intend to use at the trial on the merits of this case.

Please supplement your response.

Request for Production No. 8 Please produce all notes, diaries, logs, ledgers, calendars and any other documentation maintained by you regarding the incident or incidents which are the subject of your complaint and/or the injuries you allegedly sustained.

In Bill Brantley's deposition, Vol. II, he referenced reviewing "old notes" that he had just found on page 193 and notes regarding things he had presented to the company on page 194. Please supplement your response and produce any and all additional notes.

Request for Production No. 9. Please produce any and all documents submitted to you by any expert witness which you expect to testify at trial, including, but not limited to, notes and reports, sketches, diagrams, correspondence, photographs and/or any other documentation.

Please supplement your response.

Request for Production No. 10. Please produce any and all documents submitted to you by any expert retained or specially employed by you in anticipation of litigation or preparation for this trial.

Please supplement your response.

Request for Production No. 11. Please produce any and all exhibits, demonstrative evidence or photographs you intend to use at the trial on the merits or use for any other purpose at trial including, but not limited to, refreshing the recollection of any witness or the impeachment of any witness.

Paul H. Tobias, Esq.  
David D. Kammer, Esq.  
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Please supplement your response.

Request for Production No.12. Please produce any and all photograph(s), videotapes, films, mechanical, electric, electronic, audio tapes and/or other recording(s) of Cinergy Corp., its subsidiaries, including, but not limited to, The Cincinnati Gas and Electric Company and/or their past or present employees, agents, officers, representatives in your possession, custody or control and/or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

Request for Production No. 13. Please produce any and all logs, notes, memoranda, notations of telephone conversations, records, diaries and/or other written documentation or audio tapes of your contact with Cinergy Corp., its subsidiaries including, but not limited to, The Cincinnati Gas and Electric Company, and/or any of their past or present officers, employees, agents, representatives including and/or referring to and/or documenting the incident or incidents which are the subject of your Complaint.

Please supplement your response.

Request for Production No.14 . Attach hereto copies of all documents in your possession relating in any way to the allegations contained in your Complaint.

Please supplement your response.

Request for Production No 15. Please produce all correspondence and other documents referring or related to any communication that you had with the defendant, Cinergy Corp., its subsidiaries including, but not limited to, The Cincinnati Gas and Electric Company and/or any of their past or present employees, officers, representatives, agents including but not limited to its legal department regarding the alleged incident or incidents complained of in your Complaint.

Please supplement your response.

Request for Production No.18. Please produce all handbooks, manuals, leaflets, procedures, guidelines, memos, bulletins, directives or other documents on which you directly or indirectly rely in this legal action.

Please supplement your response. Bill Brantley testified at his deposition Vol. II that he found documents from sating back to Western Hills and a lot of things given to him on page 194 including, but not limited to, recent diversity notes referenced on page 195 and accident reports referenced on page 196.

Paul H. Tobias, Esq.

David D. Kammer, Esq.

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I also formally requested copies of the documents reviewed by Mr. Brantley since his last deposition at the 11/5/02 deposition (see page 196)

**PLAINTIFF, RODNEY JONES**

With respect to plaintiff, Rodney Jones, we are interested in the following supplementation:

Interrogatory No. 1. State the name and present or last known address and telephone number of each person whom you will or expect to call as an expert witness during the trial of this matter, and provide a summary of the opinions to be rendered by each such expert witness. Also, list the qualifications of each expert witness or, alternatively, attach a copy of a curriculum vitae of each such witness.

Please supplement your response.

Interrogatory No. 2. State the name and present or last known address and telephone number of each person whom you will or expect to call as a non-expert witness during the trial of this matter, and provide a summary of the testimony expected from each.

Please supplement your response.

Interrogatory No. 4. State whether or not written statements were made by you of any other witnesses concerning the incident or incidents which are the subject of your Complaint.

Please supplement your response.

Request for Production No. 1 Please produce any and all statements from the Defendant, Cinergy Corp, its subsidiaries including, but not limited to, The Cincinnati Gas & Electric Company, and/or any of their past or present agents, officers, employees, or representatives in your possession, custody or control, or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

Request for Production No. 2. Produce your federal, state and local income tax returns and attachments thereto, including, but not limited to W-2 Forms, for the last five (5) years and all wage receipts, pay stubs or other documentation evidencing your income for the present year.



Paul H. Tobias, Esq.

David D. Kammer, Esq.

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Please supplement your response and forward any W-2's for the year 2001 and 2002 and your client's tax returns for the year 2001 and once they are completed for the year 2001. In addition, please produce copies of Mr. Jones' W-2's for the years 1998-2000 related to his work as the part time youth minister at Tried Stone Missionary Baptist Church referenced on page 9 of his deposition. In addition, please produce copies of any and all tax forms reporting Mr. Jones' income from cutting grass in the years 2001 and 2002 referenced on pp. 230-231 of your deposition.

Request for Production No. 4. Please produce any and all graphs, charts, videocassette tapes, newspaper articles and/or any and all other documentary evidence which you intend to use at the trial on the merits of this case.

Please supplement your response.

Request for Production No. 7. Please produce copies of any and all bills, invoices, statements, cancelled checks, receipts and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint.

Please supplement your response and produce copies of any and all bills, invoices, statements, cancelled checks, receipts, and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint. Your response was "None available at this time".

Request for Production No. 9. Please produce any and all documents submitted to you by any expert witness which you expect to testify at trial, including, but not limited to, notes and reports, sketches, diagrams, correspondence, photographs and/or any other documentation.

Please supplement your response.

Request for Production No. 10. Please produce any and all documents submitted to you by any expert retained or specially employed by you in anticipation of litigation or preparation for this trial.

Please supplement your response.

Request for Production No. 11. Please produce any and all exhibits, demonstrative evidence or photographs you intend to use at the trial on the merits or use for any other purpose at trial including, but not limited to, refreshing the recollection of any witness or the impeachment of any witness.

Please supplement your response.

Paul H. Tobias, Esq.

David D. Kammer, Esq.

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Request for Production No.12. Please produce any and all photograph(s), videotapes, films, mechanical, electric, electronic, audio tapes and/or other recording(s) of Cinergy Corp., its subsidiaries, including, but not limited to, The Cincinnati Gas and Electric Company and/or their past or present employees, agents, officers, representatives in your possession, custody or control and/or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

**PLAINTIFF, TODD TOLBERT**

With respect to plaintiff, Todd Tolbert, we are interested in the following supplementation:

Interrogatory No. 1. State the name and present or last known address and telephone number of each person whom you will or expect to call as an expert witness during the trial of this matter, and provide a summary of the opinions to be rendered by each such expert witness. Also, list the qualifications of each expert witness or, alternatively, attach a copy of a curriculum vitae of each such witness.

Please supplement your response.

Interrogatory No. 2. State the name and present or last known address and telephone number of each person whom you will or expect to call as a non-expert witness during the trial of this matter, and provide a summary of the testimony expected from each.

Please supplement your response.

Interrogatory No.4. State whether or not written statements were made by you of any other witnesses concerning the incident or incidents which are the subject of your Complaint.

Please supplement your response.

Interrogatory No. 8. State in detail the amount of money expended by and/or presently owing by you for medical and/or psychological examination, counseling and/or treatment in connection with the incidents claimed in your complaint, including the name and present address of the person or entity to whom each such expense was paid or is at present owing.

Please supplement your response which states "State in detail the amount of money expended by and/or presently owing by you for medical and/or psychological

Paul H. Tobias, Esq.

David D. Kammer, Esq.

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examination, counseling and/or treatment in connection with the incidents claimed in your complaint, including the name and present address of the person or entity to whom each such expense was paid or is at present owing." Your response was "WILL FORWARD MEDICAL RECORDS WHEN ACQUIRED."

Interrogatory No. 9. State in the monetary amount and in detail every other expense claimed by you to have been incurred as a result of the incident or incidents complained of in your Complaint.

We are also interested in supplementation of your response which states "State in the monetary amount and in detail every other expense claimed by you to have been incurred as a result of the incident or incidents complained of in your Complaint". Your response was "Records are being procured"

Request for Production No. 1 Please produce any and all statements from the Defendant, Cinergy Corp, its subsidiaries including, but not limited to, The Cincinnati Gas & Electric Company, and/or any of their past or present agents, officers, employees, or representatives in your possession, custody or control, or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

Request for Production No. 4. Please produce any and all graphs, charts, videocassette tapes, newspaper articles and/or any and all other documentary evidence which you intend to use at the trial on the merits of this case.

Please supplement your response.

Request for Production No. 7. Please produce copies of any and all bills, invoices, statements, cancelled checks, receipts and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint.

Please supplement your response and produce copies of any and all bills, invoices, statements, cancelled checks, receipts, and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint. Your response was "None available at this time".

Request for Production No. 9. Please produce any and all documents submitted to you by any expert witness which you expect to testify at trial, including, but not limited to, notes and reports, sketches, diagrams, correspondence, photographs and/or any other documentation.

Please supplement your response.

Paul H. Tobias, Esq.

David D. Kammer, Esq.

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Request for Production No. 10. Please produce any and all documents submitted to you by any expert retained or specially employed by you in anticipation of litigation or preparation for this trial.

Please supplement your response.

Request for Production No. 11. Please produce any and all exhibits, demonstrative evidence or photographs you intend to use at the trial on the merits or use for any other purpose at trial including, but not limited to, refreshing the recollection of any witness or the impeachment of any witness.

Please supplement your response.

Request for Production No. 12. Please produce any and all photograph(s), videotapes, films, mechanical, electric, electronic, audio tapes and/or other recording(s) of Cinergy Corp., its subsidiaries, including, but not limited to, The Cincinnati Gas and Electric Company and/or their past or present employees, agents, officers, representatives in your possession, custody or control and/or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

**PLAINTIFF, ANTHONY MARTIN**

With respect to plaintiff, Anthony Martin, we are interested in the following supplementation:

Interrogatory No. 1. State the name and present or last known address and telephone number of each person whom you will or expect to call as an expert witness during the trial of this matter, and provide a summary of the opinions to be rendered by each such expert witness. Also, list the qualifications of each expert witness or, alternatively, attach a copy of a curriculum vitae of each such witness.

Please supplement your response.

Interrogatory No. 2. State the name and present or last known address and telephone number of each person whom you will or expect to call as a non-expert witness during the trial of this matter, and provide a summary of the testimony expected from each.

Please supplement your response.

Paul H. Tobias, Esq.

David D. Kammer, Esq.

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Interrogatory No. 4. State whether or not written statements were made by you of any other witnesses concerning the incident or incidents which are the subject of your Complaint.

Please supplement your response.

Interrogatory No. 8. State in detail the amount of money expended by and/or presently owing by you for medical and/or psychological examination, counseling and/or treatment in connection with the incidents claimed in your complaint, including the name and present address of the person or entity to whom each such expense was paid or is at present owing.

Please supplement your response which states "State in detail the amount of money expended by and/or presently owing by you for medical and/or psychological examination, counseling and/or treatment in connection with the incidents claimed in your complaint, including the name and present address of the person or entity to whom each such expense was paid or is at present owing." Your response was "Me medical expenses have been paid through my health insurance. However, GHA will give you an itemized billing of my health records and medication expenses over the last 5-10 years." We have not been provided with such documentation to date.

Request for Production No. 1 Please produce any and all statements from the Defendant, Cinergy Corp, its subsidiaries including, but not limited to, The Cincinnati Gas & Electric Company, and/or any of their past or present agents, officers, employees, or representatives in your possession, custody or control, or in the possession, custody or control of your attorney, agent or representative.

Please supplement your response.

Request for Production No. 4. Please produce any and all graphs, charts, videocassette tapes, newspaper articles and/or any and all other documentary evidence which you intend to use at the trial on the merits of this case.

Please supplement your response.

Request for Production No. 7. Please produce copies of any and all bills, invoices, statements, cancelled checks, receipts and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint.

Please supplement your response and produce copies of any and all bills, invoices, statements, cancelled checks, receipts, and/or any other documentation of any other expenses claimed by you to have been incurred as a result of the incident or incidents complained of in your complaint. Your response was "will supplement when acquired"

Request for Production No. 9. Please produce any and all documents submitted to you by any expert witness which you expect to testify at trial, including, but not limited to, notes and reports, sketches, diagrams, correspondence, photographs and/or any other documentation.

Please supplement your response.

Request for Production No. 10. Please produce any and all documents submitted to you by any expert retained or specially employed by you in anticipation of litigation or preparation for this trial.

Please supplement your response.

Request for Production No. 11. Please produce any and all exhibits, demonstrative evidence or photographs you intend to use at the trial on the merits or use for any other purpose at trial including, but not limited to, refreshing the recollection of any witness or the impeachment of any witness.

Please supplement your response.

Request for Production No. 12. Please produce any and all photograph(s), videotapes, films, mechanical, electric, electronic, audio tapes and/or other recording(s) of Cinergy Corp., its subsidiaries, including, but not limited to, The Cincinnati Gas and Electric Company and/or their past or present employees, agents, officers, representatives in your possession, custody or control and/or in the possession, custody or control of your attorney, agent or representative.

We are also enclosing the following pleadings:

1. Second Set of Interrogatories and Request for Production of Documents Propounded to Plaintiff, Bill Brantley.
2. Second Set of Request for Production of Documents Propounded to Plaintiff, Rodney Jones.
3. Second Set of Request for Production of Documents Propounded to Plaintiff, Todd Tolbert.

Paul H. Tobias, Esq.


David D. Kammer, Esq.

January 31, 2003

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4. Second Set of Interrogatories and Request for Production of Documents  
Propounded to Plaintiff, Anthony Martin.

Very truly yours,

A handwritten signature in cursive script that reads "Jill T. O'Shea/smw".

Jill T. O'Shea  
Senior Counsel

JTO:mlh

cc: David W. Sanford, Esq. (via facsimile and ordinary mail)  
Eric Bachman, Esq. (via facsimile and ordinary mail)  
Charles Dixon, Esq. (via facsimile and ordinary mail)  
Law Offices of Grant E. Morris, Esq. (via ordinary mail)